

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,
Plaintiff,

v.

J.P. JOYFUL RESTAURANT INC.,
Defendant.

Case No. [22-cv-00039-VC](#)

**ORDER DENYING DEFENDANT'S
MOTION TO DISMISS, GRANTING
JURISDICTIONAL DISCOVERY, AND
TO SHOW CAUSE**


Re: Dkt. No. 14

J.P. Joyful's motion to dismiss for lack of subject matter jurisdiction is denied for the same reasons stated in *Whitaker v. Peet's Coffee, Inc.*, 2022 WL 278664 (N.D. Cal. Jan. 31, 2022). On its face, the complaint adequately alleges that Whitaker will return such that it meets Article III's requirements. J.P. Joyful shall be permitted, however, to conduct jurisdictional discovery to determine if Whitaker in fact intends to return to the Eastern Winds Chinese Restaurant in Fremont, California. J.P. Joyful may also conduct jurisdictional discovery to determine whether Whitaker ever visited the restaurant in the first place.

Whitaker is further ordered to show cause why the Court should not decline to exercise supplemental jurisdiction over his Unruh Act claim. *See Garcia v. Maciel*, 2022 WL 395316, at *2–3 (N.D. Cal. Feb. 9, 2022); *see also Arroyo v. Rosas*, 19 F.4th 1202, 1213 (9th Cir. 2021). Whitaker must file a brief not to exceed five pages within seven days of this order.

IT IS SO ORDERED.

Dated: April 13, 2022



VINCE CHHABRIA
United States District Judge